

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

To:

F R KELLY & CO
Attn. Boyce, Conor
27 Clyde Road
Ballsbridge
Dublin 4
IRELAND

(PCT Rule 44.1)

Date of mailing
(day/month/year)

01/08/2005

Applicant's or agent's file reference

P70611PC00

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/EP2005/005907

International filing date

(day/month/year)

01/06/2005

Applicant

FOTONATION VISION LIMITED

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90b/s.1 and 90b/s.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

D16/1

Name and mailing address of the International Searching Authority

European Patent Office, P.B. 5818 Patentlaan 2
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Authorized officer

Dana Schalinatus

RECEIVED

02 AUG 2005

COMPUTER DIARIED

Date:

(See notes on accompanying sheet)

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

BEST AVAILABLE COPY

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P70611PC00	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/EP2005/005907	International filing date (day/month/year) 01/06/2005	(Earliest) Priority Date (day/month/year) 16/08/2004

Applicant

FOTONATION VISION LIMITED

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

METHOD AND APPARATUS FOR DETECTING AND CORRECTING RED-EYE EFFECT

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 5a

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 H04N1/62 G06T7/00 G06K9/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 H04N G06T G06K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 134 339 A (LUO ET AL) 17 October 2000 (2000-10-17)	1,5,8-11
Y	the whole document	2-4,6,7, 12-20
Y	EP 1 429 290 A (FUJI PHOTO FILM CO. LTD) 16 June 2004 (2004-06-16) figure 18 paragraphs '0185! - '0196!	2,12-15
Y	WO 02/45003 A (IMAX CORPORATION; HANNAH, KEITH, J; BERGEN, JAMES, R; SWAHNEY, HARPREET) 6 June 2002 (2002-06-06) figure 1 page 4, lines 1-16	2,12-15
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Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

25 July 2005

Date of mailing of the international search report

01/08/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
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Authorized officer

Moorhouse, D

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5 751 836 A (WILDES ET AL) 12 May 1998 (1998-05-12) column 9, line 53 - column 10, line 13 -----	3,13, 16-18
Y	WO 03/071484 A (PIXOLOGY LIMITED; JARMAN, NICK; LAFFERTY, RICHARD; ARCHIBALD, MARION;) 28 August 2003 (2003-08-28) page 11, lines 12-14 -----	4,14,17, 19,20
Y	US 6 407 777 B1 (DELUCA MICHAEL JOSEPH) 18 June 2002 (2002-06-18) cited in the application the whole document -----	6,7

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 6134339	A	17-10-2000	EP 0989517 A2	29-03-2000
			JP 2000113199 A	21-04-2000
EP 1429290	A	16-06-2004	JP 2004208279 A	22-07-2004
			JP 2004208281 A	22-07-2004
			CN 1506910 A	23-06-2004
			EP 1429290 A2	16-06-2004
			US 2004114796 A1	17-06-2004
WO 0245003	A	06-06-2002	CA 2430591 A1	06-06-2002
			EP 1354292 A1	22-10-2003
			WO 0245003 A1	06-06-2002
US 5751836	A	12-05-1998	US 5572596 A	05-11-1996
			US 6714665 B1	30-03-2004
			AU 719428 B2	11-05-2000
			AU 1318799 A	18-03-1999
			AU 702883 B2	11-03-1999
			AU 3419895 A	27-03-1996
			BR 9508691 A	06-01-1998
			CA 2199040 A1	14-03-1996
			CN 1160446 A	24-09-1997
			EP 1126403 A2	22-08-2001
			EP 0793833 A1	10-09-1997
			HU 76950 A2	28-01-1998
			JP 10505180 T	19-05-1998
			WO 9607978 A1	14-03-1996
WO 03071484	A	28-08-2003	GB 2385736 A	27-08-2003
			AU 2003201021 A1	09-09-2003
			AU 2003207336 A1	09-09-2003
			CA 2477087 A1	28-08-2003
			CA 2477097 A1	28-08-2003
			EP 1477020 A1	17-11-2004
			EP 1476851 A1	17-11-2004
			WO 03071484 A1	28-08-2003
			WO 03071781 A1	28-08-2003
			JP 2005518050 T	16-06-2005
			JP 2005518722 T	23-06-2005
			US 2004240747 A1	02-12-2004
			US 2004184670 A1	23-09-2004
US 6407777	B1	18-06-2002	US 2004223063 A1	11-11-2004
			US 2005041121 A1	24-02-2005

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2005/005907

International filing date (day/month/year)
01.06.2005

Priority date (day/month/year)
16.08.2004

International Patent Classification (IPC) or both national classification and IPC
H04N1/62, G06T7/00, G06K9/00

Applicant
FOTONATION VISION LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Moorhouse, D

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-4,6,7,11-20
	No: Claims	1, 5, 8 -10
Inventive step (IS)	Yes: Claims	
	No: Claims	2-4,6,7,11-20
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Concerning Box V

The following documents are cited:

D1 : US-A-6 134 339

D2 : EP-A-1 429 290

D3 : WO-A-02/45003

D4 : US-A-5 751 836

D5 : WO-A-03/071484

D6 : US-B1-6 407 777

The subject-matter of claims 1, 5 and 8 to 10 lacks novelty. Claims 1, 5 and 8 to 10 therefore do not meet the requirement set out in Article 33 (2) PCT.

Document D1 discloses:

A digital image acquisition system (40) having no photographic film, comprising a portable apparatus (40) for capturing digital images (see Figure 4 and column 7, line 63 to column 8, line 5), a flash unit (12) for providing illumination during image capture, and a red-eye filter (26, 44) for detecting a region within a captured image indicative of a red-eye phenomenon, said detection being based upon a comparison of said captured image and a reference image of nominally the same scene taken without flash (see Figure 7, for example).

Thus, the subject-matter of claim 1 is known from document D1.

Statistical detection of red-eye over a whole image or image region is known from document D1 - see column 10, lines 9 to 50 in particular.

Thus, the subject-matter of claim 5 is known from document D1.

The subject-matter of claim 8 is also known from document D1 (see column 7, lines 63 to 65).

The subject-matter of claims 9 and 10 is also known from document D1 (see Figure 3 and column 6, line 46 to column 7, line 12 in particular).

The subject-matter of claims 2 to 4, 6, 7 and 11 to 20 lacks an inventive step. These claims do not therefore meet the requirement set out in Article 33 (3) PCT.

Document D2, in Figure 18 and paragraphs [0185] to [0196], discloses that it is desirable that the non-flash preview image is of a lower resolution. When comparing images of different resolutions, it is obvious to the skilled person that precautions be taken to take the difference into account. Upsampling and downsampling are well known in the image processing art. In this context, attention is drawn to the disclosure of document D3, Figure 1 and page 4, lines 1 to 16, from which it is known to upsample and / or downsample images of different resolutions when processing them together.

The subject-matter of claim 2 is thus rendered obvious by the disclosure of document D1 combined with the disclosure of document D2, or by the disclosure of document D1 combined with the disclosures of documents D2 and D3.

The alignment of images which are to be compared is rendered obvious by the disclosure of document D4, column 9, line 53 to column 10, line 13. Thus, the additional feature of claim 3 is of no inventive significance.

It would be obvious to the skilled person reading document D1, that the red-eye processing be carried out if there are reasons to believe it may have occurred. Several example circumstances are listed in document D2. Moreover, it is known in the art to detect, if tests such as those in D2 failed, to check the image in question (see, for example, document D5, page 11, lines 12 to 14). It would thus be obvious to the skilled person to consider using the checks disclosed in document D5 prior to using the comparison process disclosed in document D1.

The additional features of claim 4 are thus rendered obvious by the disclosure of

document D5.

The additional features of claims 6 and 7 are rendered obvious by the disclosure of document D6 (see shape analyser 94 in Figure 1; Figures 2 to 7; step 230 in Figure 8; and column 5, lines 9 to 11).

The additional feature of claim 11 is obvious in view of the detection process disclosed in document D1. Moreover, red-eye correction after red-eye detection is rendered obvious by the disclosure of any of the documents D2 (see paragraph [0196] for example), D5 (see last step in loop in Figure 1) and D6 (see pixel modifier 96 in Figure 1; step 260 in Figure 8; and column 5, lines 24 to 28).

Independent claim 12 is a combination of claims 1 and 2, and the subject-matter thereof therefore lacks an inventive step for reasons set out above with respect to claim 2.

The additional features of claims 13 to 15 are objected to for reasons set out above with respect to claims 3 to 5.

Independent claim 16 is a combination of claims 1 and 3, and the subject-matter thereof therefore lacks an inventive step for reasons set out above with respect to claim 3.

The additional features of claims 17 and 18 are objected to for reasons set out above with respect to claims 4 and 5.

Independent claim 19 is a combination of claims 1 and 4, and the subject-matter thereof therefore lacks an inventive step for reasons set out above with respect to claim 4.

The additional features of claim 20 are objected to for reasons set out above with respect to claim 5.

Concerning Box VII

The claims are not in the two-part form set out in Rule 6.3(b) PCT.

Reference signs as defined in Rule 6.2(b) PCT are absent from the claims.

Concerning Box VIII

Although claims 1, 12, 16 and 19 have been drafted as separate independent claims, claims 12, 16 and 19 are, in effect, of the same scope as a combination of claim 1 with claim 2, claim 3 and claim 4 respectively. The claims are thus repetitive, and as a result lack conciseness, and as such do not meet the requirements of Article 6 PCT.

